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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Simon Peter Knightley

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EXAMINER

CHOI, PETER Y

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

06/19/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/578,499	Applicant(s) KNIGHTLEY ET AL.	
	Examiner PETER Y. CHOI	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-14 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) 18 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-14, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/03/09 and 02/12/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 11-14, 16, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 11-14, 16, and 17, claim 11 recites a first layer of coarse mesh material and a second layer of coarse mesh material. It is unclear exactly what properties or characteristics are associated with “coarse mesh material” as Applicants’ specification does not provide quantitative and/or objective properties or characteristics associated with “coarse mesh material” with which to differentiate “coarse mesh material” from non-coarse mesh material.

Response to Arguments

3. Applicants’ arguments filed March 10, 2009, have been fully considered but they are not persuasive. Applicants argue that the specification teaches that a mat with two or more layers of coarse mesh material can be effective in preventing the majority of the particular matter under the mat from escaping, and that the coarse mesh material pushes the mat onto the ground rather than creating an “uplift effect,” and therefore the specification clearly identifies the characteristics of coarse mesh material. Examiner respectfully disagrees. Applicants’ specification does not provide quantitative and/or objective properties or characteristics associated with “coarse mesh material” with which to differentiate “coarse mesh material” from

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non-coarse mesh material. Applicants' specification only teaches that a mat with two or more layers of coarse mesh material *can* be effective in preventing the majority of the particulate matter from escaping. However, Applicants' specification does not differentiate the possible characteristics of multiple layers of coarse mesh material from non-coarse material, as Applicants' specification does recite any quantitative and/or objective properties or characteristics associated with coarse mesh material and non-coarse mesh material such that the two materials are necessarily differentiated. Additionally, Applicants' specification teaches that the *textile pattern* of the coarse mesh material pushing the mat onto the ground rather than creating an "uplift" effect may create a divergent "tumbling" effect of wind striking the surface of the mat. Applicants' specification does not teach that the coarse mesh material is directly responsible of any effect, as Applicants' specification attributes the effect of wind striking the surface of the mat to the textile pattern. Therefore, since Applicants' specification does recite any quantitative and/or objective properties or characteristics associated with coarse mesh material and non-coarse mesh material such that the two materials are necessarily differentiated, the claims are indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claim Rejections - 35 USC § 102/103

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11, 16 and 17 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over WO 02/39857 to Reynolds.

Regarding claims 11, 16 and 17, Reynolds teaches a mat for reducing the disturbance of particulate matter by wind, the mat including a first layer of mesh material and a second layer of mesh material, wherein the first layer is held in a substantially fixed position relative to the second layer, and each layer of mesh material includes at least one of a natural fiber and a plastic fiber, and the first layer is attached to the second layer in the peripheral region (see entire document including pages 1-6). It should be noted that it is unclear exactly what structural limitations are associated with the claimed coarse mesh material such that it is necessarily differentiated from the mesh material of the prior art. Since Reynolds teaches a substantially similar structure and composition as the claimed invention, the claimed invention appears to be anticipated by or obvious over the prior art.

Regarding claims 11, 16 and 17, the prior art does not appear to specifically teach that each layer of the mesh material has a wind attenuation factor of between 40% and 80% for wind directed at right angles onto the mesh material at 50 km/h. However, it should be noted that Applicants do not define wind attenuation factor and wind attenuation factor does not appear to be a property known and/or established in the art. Additionally, Applicants' specification discloses that the wind attenuation factor of the *mat* will depend on a number of factors,

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including the smoothness of the fibers, the size of individual holes, and the porosity (emphasis added). Applicants' specification does not appear to teach what factors are determinative as to the wind attenuation factor of *each layer*. It should be noted that Applicants' specification does not appear to teach that the type of construction (i.e. mesh vs. woven) nor that the distance between the layers necessarily affects the wind attenuation factor of each layer. The prior art teaches that each layer of material comprises first and second plastic mesh layers of varying size and shape, allowing sand to pass through. Additionally, it is reasonable for one of ordinary skill in the art to associate a mesh size with a pore size, since prior art teaches that the material is necessarily porous as evident in the ability of the material to allow sand to pass through. Therefore, since the prior art teaches a substantially similar structure and composition as the claimed invention, as best Examiner can determine, the claimed wind attenuation factor appears to be inherent to the invention of the prior art.

Additionally, it would have been obvious to one of ordinary skill in the mat art at the time the invention was made to form the mat of the prior art, wherein the wind attenuation factor of each layer is optimized as claimed, as each layer necessarily comprises a variable mesh cross-section and porosity, and motivated by the desire of forming a conventional mat with a porosity suitable for the desired mesh cross-section and for the intended application.

Regarding claims 16 and 17, Reynolds teaches a mat including one or more mats (pages 1-6). Although the prior art does not specifically teach that the peripheral region has a greater mass per unit area than the combined mass per unit area of each layer of the coarse mesh material, it is reasonable for one of ordinary skill in the art to expect that such a characteristic is inherent to the prior art since the prior art teaches that the perimeter comprises an additional

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material to secure the layers at the perimeter, and since the prior art teaches a substantially similar structure and composition as the claimed invention. Additionally, it would have been obvious for one of ordinary skill in the art to form the mat of the prior art wherein the peripheral region has a greater mass per unit area than the combined mass per unit area of each layer of the coarse mesh material, as it naturally flows from the prior art that the mat is suitable to be used on various surfaces such as the ground and as a ground cover for a camper, and that it is a desired characteristic of the mat for the peripheral region to have a greater mass per unit area than the mesh material such that the mat is anchored to the ground and has less tendency to be affected by various environmental factors, when used in the desired application.

Regarding claims 16 and 17, the prior art does not appear to specifically teach that the mat is a helicopter landing mat and that the mat has a length and a width which exceed the rotor span of a helicopter. However, Applicants are not literally claiming a helicopter in conjunction with the claimed mat and the prior art mat necessarily has a length and a width. Therefore, a reference to the mat as a helicopter landing mat and a reference to a length and width which exceed the rotor span of a helicopter appear to be a recitation of the intended use of the mat. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Since the prior art teaches a substantially similar structure and composition as the claimed invention, the prior art appears to be capable of performing the intended use. Additionally, Reynolds teaches that the mat may be of any convenient size and shape, and can be extended (Reynolds page 5). It would have been obvious to one of ordinary

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skill in the mesh mat art at the time the invention was made to form the mesh mat of the prior art, wherein the size of the mat is optimized for various applications, as taught by Reynolds, motivated by the desire of forming a conventional mesh mat having a desired size predictably suitable for various applications.

In the event it is shown that Reynolds does not disclose the claimed invention with sufficient specificity, the invention is obvious because Reynolds discloses the claimed constituents and discloses that they may be used in combination.

Claim Rejections - 35 USC § 103

6. Claims 11-14, 16 and 17 are rejected under 35 U.S.C. 103(a) as obvious over Reynolds in view of USPN 5,870,785 to Hoorens and USPN 2,774,127 to Secrist.

Regarding claims 11-14, 16, and 17, the prior art appears to teach that the claimed wind attenuation factor is inherent to the invention of the prior art and/or that it would have been obvious to form the mat with the desired wind attenuation factor. Additionally, the prior art teaches that the mesh layers are flexible plastic materials. However, in the event that it is shown that the wind attenuation factor is determined by the type of mesh material, the spacing between the layers, the stitch length, and the porosity, the prior art is silent as to the type of material comprising the mesh material, the spacing between the layers, the stitch length, and the porosity. Therefore, it would have been necessary and therefore obvious to look the prior art for conventional characteristics of mesh material.

Hoorens teaches a substantially similar mat suitable for use on a ground comprising multiple layers of plastic mesh material wherein the layers are separated by a layer having a

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thickness between 0.1 and 1 cm, and wherein the mesh material is a knitted mesh material (Hoorens, column 1 line 4 to column 4 line 16, claims 1-20). Hoorens teaches that the mesh may have a cross-section of 0.5 mm to 10 mm, to at least allow for the flow of air. It should be noted that it naturally flows from the teachings of Hoorens that the knitted mesh material necessarily comprises an average stitch length. Additionally, it is reasonable for one of ordinary skill in the art to associate a mesh size with a pore size, and it is reasonable for one of ordinary skill in the art to expect that optimizing the stitch length further influences the mesh size or pore size in the final product, which the prior art teaches is necessarily porous.

Additionally, Secrist is classified in the same field in the art as Hoorens, and teaches a similar open-mesh knitted textile material comprising plastic fibers, wherein the material has 8 courses per inch, which is known in the art to be substantially similar and/or identical to stitch length in knitted materials (Secrist, column 1 line 15 to column 2 line 71, column 3 lines 1-31, column 5 lines 14-49, Examples 1-10). Secrist teaches that a material having such specifications is flexible with a relatively high initial resistance to deformation, and has strength, elastic conformability, and capacity for stress distribution suitable for use in plastic laminates. It would have been obvious to one of ordinary skill in the mat art at the time the invention was made to form the mat of the prior art, wherein the mesh layers comprise the knitted mesh layers having the stitch lengths as taught by Hoorens and Secrist, motivated by the desire of forming a conventional multilayered plastic mesh mat with a mesh type and a corresponding stitch length known in the art to be predictably suitable for use in multilayered plastic meshes, such that the resulting mat is flexible with a relatively high initial resistance to deformation, and has strength,

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elastic conformability, and capacity for stress distribution suitable for use in multilayered plastic meshes.

Additionally, although the prior art does not appear to specifically teach the claimed wind attenuation factor, the claimed property appears to be inherent to the prior art as the prior art teaches a substantially similar structure and composition as the claimed invention. Products of identical structure can not have mutually exclusive properties. The burden is on Applicants to prove otherwise.

Regarding claims 12-14, the prior art teaches that the average separation between the first and second layer is between 0.1 and 1 cm (Hoorens, column 2 lines 14-58). Additionally, it would have been obvious to one of ordinary skill in the mat art at the time the invention was made to separate the first and second layer between about 0.1 and 1 cm, motivated by the desire of forming a conventional mat which allows for air to flow.

Regarding claims 13 and 14, the prior art teaches that the mesh material is formed from plastics fibers (Reynolds, pages 1-6; Hoorens, column 3 lines 37-64).

Regarding claim 14, the prior art does not appear to specifically teach that each layer of coarse mesh material has the claimed porosity, the porosity being the proportion of surface area of the mesh material which consists of holes rather than fibers. However, the prior art teaches that each layer of mesh material necessarily comprises pores, and that it was known to form mesh having a cross-section of 0.5 mm to 10 mm. Therefore, it would have been obvious to one of ordinary skill in the knitted mat art at the time the invention was made to form the knitted mat of the prior art, wherein the porosity of the mesh material is optimized to between 10% and 50%, as the knitted mat necessarily comprises a variable mesh cross-section and porosity, and

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motivated by the desire of forming a conventional knitted mat with a porosity suitable for the desired mesh cross-section and for the intended application.

7. Claims 11-14, 16 and 17 are rejected under 35 U.S.C. 103(a) as obvious over Hoorens in view of Reynolds.

Regarding claims 11-14, 16 and 17, Hoorens teaches a mat for reducing the disturbance of particulate matter by wind, the mat including a first layer of mesh material and a second layer of mesh material, wherein the first layer is held in a substantially fixed position relative to the second layer, and each layer of mesh material includes at least one of a natural fiber and a plastic fiber (see entire document including column 1 line 4 to column 4 line 16, claims 1-20). It should be noted that it is unclear exactly what structural limitations are associated with the claimed coarse mesh material such that it is necessarily differentiated from the mesh material of the prior art. Since Hoorens teaches a substantially similar structure and composition as the claimed invention, the claimed invention appears to be anticipated by or obvious over the prior art.

Regarding claims 11-14, 16 and 17, the prior art does not appear to specifically teach that each layer of the mesh material has a wind attenuation factor of between 40% and 80% for wind directed at right angles onto the mesh material at 50 km/h. However, it should be noted that Applicants do not define wind attenuation factor and wind attenuation factor does not appear to be a property known and/or established in the art. Additionally, Applicants' specification discloses that the wind attenuation factor of the *mat* will depend on a number of factors, including the smoothness of the fibers, the size of individual holes, and the porosity (emphasis added). Applicants' specification does not appear to teach what factors are determinative as to

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the wind attenuation factor of *each layer*. It should be noted that Applicants' specification does not appear to teach that the type of construction (i.e. mesh vs. woven) nor that the distance between the layers necessarily affects the wind attenuation factor of each layer. The prior art teaches that each layer of material comprises first and second plastic mesh layers of very open meshwork. Additionally, it is reasonable for one of ordinary skill in the art to associate a mesh size with a pore size, since prior art teaches that the material is necessarily porous as evident in the ability of the material to allow sand to pass through. Therefore, since the prior art teaches a substantially similar structure and composition as the claimed invention, as best Examiner can determine, the claimed wind attenuation factor appears to be inherent to the invention of the prior art.

Additionally, it would have been obvious to one of ordinary skill in the mat art at the time the invention was made to form the mat of the prior art, wherein the wind attenuation factor of each layer is optimized as claimed, as each layer necessarily comprises a variable mesh cross-section and porosity and increasing the porosity increases the flow of air through the mat, and motivated by the desire of forming a conventional mat with a porosity suitable for the desired mesh cross-section and for the intended application.

Regarding claims 11-14, 16 and 17, the prior art does not appear to teach that the first layer is attached to the second layer in the peripheral region. However, Reynolds teaches a substantially similar mat as Hoorens, suitable for use on the ground, comprising multiple layers of porous mesh material, wherein the layers are secured at the perimeter of each layer (Reynolds, pages 1-6). It would have been obvious to one of ordinary skill in the mat art at the time the invention was made to form the mat of the prior art, wherein the layers are attached in the

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peripheral region, as taught by Reynolds, motivated by the desire of forming a conventional mat with specifications known in the art to be predictably suitable in forming mats suitable for use on various surfaces.

Regarding claims 12-14, the prior art teaches that the average separation between the first and second layer is between 0.1 and 1 cm (Hoorens, column 2 lines 14-58). Although the prior art teaches that each of the layers comprise a knitted material, the prior art does not appear to specifically teach that the mesh material has average stitch length of between 2 mm and 6 mm, that each layer of the mesh material has a porosity of between 10% and 50%, the porosity being the proportion of surface area of the mesh material which consists of holes rather than fibers. However, Hoorens teaches that each of the layers have a very open meshwork such as having a cross-section of 0.5 mm to 10 mm, and since Hoorens teaches that the first and the second layer comprise a knitted structure, the mesh material necessarily comprises an average stitch length. Additionally, it is reasonable for one of ordinary skill in the art to associate mesh size with a pore size, and it is reasonable for one of ordinary skill in the art to expect that optimizing the stitch length further influences the mesh size or pore size in the final product, which Hoorens teaches is necessarily porous. Therefore, it would have been obvious to one of ordinary skill in the knitted mat art at the time the invention was made to form the knitted mat of the prior art, wherein the average stitch length is between 2 mm and 6 mm, as the knitted mat necessarily comprises an average stitch and a variable mesh cross-section, and motivated by the desire of forming a conventional knitted mat with an average stitch length suitable for the desired mesh cross-section and for the intended application. Similarly, it would have been obvious to one of ordinary skill in the knitted mat art at the time the invention was made to form the knitted mat of the prior art,

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wherein the porosity is optimized as claimed, as each layer necessarily comprises a variable mesh cross-section and porosity and increasing the porosity increases the flow of air through the mat, and motivated by the desire of forming a conventional mat with a porosity suitable for the desired mesh cross-section and for the intended application.

Regarding claims 13 and 14, the prior art teaches that the mesh material is formed from plastics fibers (Hoorens, column 3 lines 37-64; Reynolds, pages 1-6).

Regarding claims 16 and 17, the prior art teaches a mat including one or more mats (Reynolds, pages 1-6). Although the prior art does not specifically teach that the peripheral region has a greater mass per unit area than the combined mass per unit area of each layer of the coarse mesh material, it is reasonable for one of ordinary skill in the art to expect that such a characteristic is inherent to the prior art since the prior art teaches that the perimeter comprises an additional material to secure the layers at the perimeter, and since the prior art teaches a substantially similar structure and composition as the claimed invention. Additionally, it would have been obvious for one of ordinary skill in the art to form the mat of the prior art wherein the peripheral region has a greater mass per unit area than the combined mass per unit area of each layer of the coarse mesh material, as it naturally flows from the prior art that the mat is suitable to be used on various surfaces such as the ground and as a ground cover for a camper, and that it is a desired characteristic of the mat for the peripheral region to have a greater mass per unit area than the mesh material such that the mat is anchored to the ground and has less tendency to be affected by various environmental factors, when used in the desired application.

Regarding claims 16 and 17, the prior art does not appear to specifically teach that the mat is a helicopter landing mat and that the mat has a length and a width which exceed the rotor

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span of a helicopter. However, Applicants are not literally claiming a helicopter in conjunction with the claimed mat and the prior art mat necessarily has a length and a width. Therefore, a reference to the mat as a helicopter landing mat and a reference to a length and width which exceed the rotor span of a helicopter appear to be a recitation of the intended use of the mat. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Since the prior art teaches a substantially similar structure and composition as the claimed invention, the prior art appears to be capable of performing the intended use. Additionally, Reynolds teaches that the mat may be of any convenient size and shape, and can be extended (Reynolds page 5). It would have been obvious to one of ordinary skill in the mesh mat art at the time the invention was made to form the mesh mat of the prior art, wherein the size of the mat is optimized for various applications, as taught by Reynolds, motivated by the desire of forming a conventional mesh mat having a desired size predictably suitable for various applications.

8. Claims 11-14, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoorens in view of Reynolds and Secrist.

Regarding claims 11-14, 16 and 17, the prior art appears to teach that it would have been obvious to optimize the claimed average stitch length and porosity. However, in the event that it is shown that the wind attenuation factor is determined by the stitch length, Secrist is classified in the same field in the art as Hoorens, and teaches a similar open-mesh knitted textile material

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comprising natural fibers and plastic fibers, wherein the material has 8 courses per inch, which is known in the art to be substantially similar and/or identical to stitch length in knitted materials (Secrist, column 1 line 15 to column 2 line 71, column 3 lines 1-31, column 5 lines 14-49, Examples 1-10). Secrist teaches that a material having such specifications is flexible with a relatively high initial resistance to deformation, and has strength, elastic conformability, and capacity for stress distribution suitable for use in plastic laminates. It would have been obvious to one of ordinary skill in the textile art at the time the invention was made to form the textile material of the prior art, having the courses per inch, as taught by Secrist, as Hoorens and Secrist are classified in the same field in the art, and motivated by the desire of forming a conventional open-mesh knitted textile material with courses per inch or stitch lengths known in the art to be predictably suitable for use in forming a textile material which is flexible with a relatively high initial resistance to deformation, and which has strength, elastic conformability, and capacity for stress distribution suitable for use in plastic laminates.

Additionally, although the prior art does not appear to specifically teach the wind attenuation factor, the claimed property appears to be inherent to the prior art as the prior art teaches a substantially similar structure and composition as the claimed invention. Products of identical structure can not have mutually exclusive properties. The burden is on Applicants to prove otherwise.

Response to Arguments

9. Applicants' arguments with respect to claims 11-14, 16 and 17 have been considered but are moot in view of the new grounds of rejection.

Conclusion

10. Applicants' amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PETER Y. CHOI whose telephone number is (571)272-6730. The examiner can normally be reached on Monday - Friday, 08:00 - 15:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Tarazano can be reached on (571) 272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter Y Choi/
Examiner, Art Unit 1794

/Andrew T Piziali/
Primary Examiner, Art Unit 1794